

REMARKS

In order to advance prosecution of the present application, claim 1 has been amended to include means for folding said substantially flat elongated body for easy transportation, wherein said means for folding comprises at least one hinge spanning the width of the substantially flat elongated body. The amendment to claim 1 has incorporated the limitations of previously presented claim 9, herein cancelled, and is clearly supported by the original specification, particularly at page 5, lines 25-28; page 8, lines 3-6; and Fig. 3.

The electrician's measuring apparatus required by applicant's claims 1, 2, and 5, as amended, includes a substantially flat elongated body having a first end, a second end, a front side, a back side, and a longitudinal axis. The electrician's measuring apparatus disclosed by present claims 1, 2, and 5 further comprises a plurality of slots disposed on the elongated body at a plurality of locations. More specifically, the electrician's measuring apparatus includes a first horizontal slot for marking the placement of an outlet box, a second horizontal slot for marking the placement of a counter height outlet, and a third horizontal slot for marking the placement of a standard wall switch. Therefore, each slot of applicant's claimed invention determines placement of outlet boxes, counter height outlets and standard wall switches, respectively, in accordance with selected standards or codes so that a single outlet box, counter height outlet, or standard wall switch may be located at different heights that are inherently unrelated. Present claims 1, 2, and 5 further provide a set of indicia on each edge of the front side of the elongated body for indicating the distance from the elongated body's first end, and a level for leveling the length of the claimed apparatus vertically. Present claims 1, 2, and 5 further provide means for folding said substantially flat elongated body for easy transportation, wherein said means

comprises at least one hinge spanning the width of the substantially flat elongated body.

Advantageously, the electrician's measuring apparatus called for by applicant's present claims 1, 2, and 5 readily guides the electrician in accurately and levelly positioning outlet boxes, counter height outlets and standard wall switches at precise locations above regular and irregular floors or other surfaces (such as counters) in compliance with applicable requirements set forth by relevant construction standards and codes.

The invention, as recited by applicant's present claim 1, 2, and 5 provides an integrated electrician's measurement apparatus that can be used to vertically mount outlet boxes, counter height outlets, and standard wall switches at different heights that are inherently unrelated and correspond to heights specified by industry standards or building codes. In addition the integrated electrician's measurement apparatus, as recited by applicant's present claims 1, 2, and 5 can be used to horizontally mount outlet boxes, counter height outlets, and standard wall switches, and especially outlets in horizontal proximity to one another in conformance with code regulations and industry standards. When vertically mounting outlets using applicant's apparatus, as defined by present claims 1, 2, and 5, an electrician can use a first slot located on the electrician's measurement apparatus to mount an outlet box according to industry standards. Subsequently, the electrician can use a second slot located on the identical electrician's measurement apparatus to vertically mount a counter height outlet conforming to an industry standard for counter height outlets. Lastly, the electrician can use a third slot located on the same electrician's measurement apparatus to vertically mount a standard wall switch conforming an industry standard for standard wall switches. Moreover, applicant's claimed electrician's measurement apparatus has an elongated body that represents the code specified horizontal

distance required between outlets, so that the electrician can manually rotate the device horizontally and readily mark the horizontal distance between outlets as required by industry standards.

The electrician's measurement apparatus recited by claims 1, 2, and 5 provides an accurate mechanism that precisely locates an electrical junction box (the size and shape of which may vary considerably) at a selected distance from the floor or counter top, thereby meeting applicable code requirements and maintaining the box "in level" without necessity of additional measurement hardware when vertically mounting the box. While at the same time, the electrician's measurement apparatus required by claims 1, 2, and 5 provides an accurate mechanism that readily locates the code required horizontal distance between outlets in a highly accurate, time efficient manner, thereby economically and reliably installing the junction boxes in accordance with applicable code requirements. Further, the electrician's measurement apparatus required by claims 1, 2, and 5 provides an apparatus that is easy to transport because it comprises means for folding the substantially flat elongated body.

Allowable Subject Matter

The Examiner has indicated that claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In view of this, claim 1 has been amended to incorporate the limitations of claim 9 in independent form. The prior art of record does not disclose or suggest the following in combination with the remaining limitations of the claims: An integrated electrician's measuring

apparatus for marking and locating the position of outlet boxes, counter height outlets, and standard wall switches, wherein said means for folding comprises at least one hinge spanning the width of the substantially flat elongated body (see claim 9).

Accordingly, reconsideration of the rejection of claim 1 under 35 USC §103(a) as being unpatentable over the prior art of record is respectfully requested.

Claim Rejections – 35 USC § 103

The Examiner has rejected claims 1 and 5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,072,523 to Bennett in view of U.S. Patent 5,222,303 to Jardine, U.S. Patent 5,598,638 to Plesh, U.S. Patent 5,361,509 to Wheeler, Sr. et al. (hereinafter Wheeler), and U.S. Patent 5,509,212 to Henrickson.

In view of the amendment to claim 1 and the foregoing remarks, applicant respectfully submits that the combined teachings of the art applied do not disclose or suggest each element of present claims 1 and 5.

Accordingly, reconsideration of the rejection of claims 1 and 5 under 35 USC 103(a) as being unpatentable over U.S. Patent 5,072,523 to Bennett in view of U.S. Patent 5,222,303 to Jardine, U.S. Patent 5,598,638 to Plesh, U.S. Patent 5,361,509 to Wheeler, and U.S. Patent 5,509,212 to Henrickson is respectfully requested.

Claim 2 was rejected under 35 USC 103(a) as being unpatentable over Bennett, Jardine, Plesh, Wheeler, and Henrickson, as applied to claims 1 and 5 above, and further in view of U.S. Patent 2,713,203 to Gottlieb.

Claim 2 depends from currently amended claim 1, which is submitted to be patentable for the reasons set forth hereinabove. Inasmuch as claim 2 contains all the limitations of independent amended claim 1, it is submitted that this dependent claim is also patentable over Bennett, Jardine, Plesh, Wheeler, and Henrickson, as applied to claims 1 and 5 above, and further in view of Gottlieb.

Accordingly, reconsideration of the rejection of claim 2 under 35 USC §103(a) as being unpatentable over the combination of Bennett, Jardine, Plesh, Wheeler, and Henrickson, and further in view of Gottlieb is respectfully requested.

CONCLUSION

In view of the amendments to the claims, and the remarks set forth above, it is submitted that the present application is in allowable condition. Reconsideration of the rejection of present claims 1, 2, and 5, and their allowance are earnestly solicited.

Respectfully submitted,
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